

By: Representatives Dixon, Gibbs (72nd),  
Holloway

To: Youth and Family Affairs

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1067

1 AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT WHEN A CHILD IS COMMITTED TO THE OAKLEY YOUTH  
3 DEVELOPMENT CENTER BY THE YOUTH COURT, THE CHILD SHALL BE IN THE  
4 PHYSICAL CUSTODY OF OAKLEY WITHIN FIVE BUSINESS DAYS OF THE  
5 COMMITTAL; TO REQUIRE OAKLEY STAFF TO UTILIZE THE MISSISSIPPI  
6 YOUTH COURT INFORMATION DELIVERY SYSTEM (MYCIDS) TO ASCERTAIN  
7 INFORMATION FOR A CHILD DURING THE ADMISSIONS PROCESS; AND FOR  
8 RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 43-21-605, Mississippi Code of 1972, is  
11 amended as follows:

12 43-21-605. (1) In delinquency cases, the disposition order  
13 may include any of the following alternatives:

14 (a) Release the child without further action;

15 (b) Place the child in the custody of the parents, a  
16 relative or other persons subject to any conditions and  
17 limitations, including restitution, as the youth court may  
18 prescribe;

19 (c) Place the child on probation subject to any  
20 reasonable and appropriate conditions and limitations, including  
21 restitution, as the youth court may prescribe;



22 (d) Order terms of treatment calculated to assist the  
23 child and the child's parents or guardian which are within the  
24 ability of the parent or guardian to perform and which are not in  
25 conflict with a provider's determination of medical necessity;

26 (e) Order terms of supervision which may include  
27 participation in a constructive program of service or education or  
28 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
29 restitution not in excess of actual damages caused by the child to  
30 be paid out of his own assets or by performance of services  
31 acceptable to the victims and approved by the youth court and  
32 reasonably capable of performance within one (1) year;

33 (f) Suspend the child's driver's license by taking and  
34 keeping it in custody of the court for not more than one (1) year;

35 (g) Give legal custody of the child to any of the  
36 following:

37 (i) The Department of Human Services for  
38 appropriate placement; or

39 (ii) Any public or private organization,  
40 preferably community-based, able to assume the education, care and  
41 maintenance of the child, which has been found suitable by the  
42 court; or

43 (iii) The Division of Youth Services for placement  
44 in the least restrictive environment, except that no child under  
45 the age of ten (10) years shall be committed to the state training  
46 school. Only a child who has been adjudicated delinquent for a



47 felony may be committed to the training school. In the event a  
48 child is committed to the Oakley Youth Development Center by the  
49 court, the child shall be deemed to be committed to the custody of  
50 the Department of Human Services which may place the child in the  
51 Oakley Youth Development Center or another appropriate facility.  
52 If a child is ordered to the Oakley Youth Development Center, the  
53 child shall be placed in the physical custody of the training  
54 school within five (5) business days of the court's committal,  
55 unless Oakley staff provides written notice to the youth court,  
56 within the five (5) business days, that there are no available  
57 beds at Oakley Youth Development Center. In addition to the youth  
58 court's order, staff of the Oakley Youth Development Center shall  
59 utilize the Mississippi Youth Court Information Delivery System  
60 (MYCIDS) to ascertain information regarding the child during the  
61 admissions process.

62 The training school may retain custody of the child until the  
63 child's twentieth birthday but for no longer. When the child is  
64 committed to the training school, the child shall remain in the  
65 legal custody of the training school until the child has made  
66 sufficient progress in treatment and rehabilitation and it is in  
67 the best interest of the child to release the child. However, the  
68 superintendent of the state training school, in consultation with  
69 the treatment team, may parole a child at any time he or she may  
70 deem it in the best interest and welfare of such child. Ten (10)  
71 business days before the parole, the training school shall notify



72 the committing court of the pending release. This notice may be  
73 made in less than ten (10) days if Oakley Youth Development Center  
74 needs to manage population limitations. The youth court may then  
75 arrange subsequent placement after a reconvened disposition  
76 hearing, except that the youth court may not recommit the child to  
77 the training school or any other secure facility without an  
78 adjudication of a new offense or probation or parole violation.  
79 The Department of Human Services shall ensure that staffs create  
80 transition planning for youth leaving the facilities. Plans shall  
81 include providing the youth and his or her parents or guardian  
82 with copies of the youth's training school education and health  
83 records, information regarding the youth's home community,  
84 referrals to mental and counseling services when appropriate, and  
85 providing assistance in making initial appointments with community  
86 service providers. Before assigning the custody of any child to  
87 any private institution or agency, the youth court through its  
88 designee shall first inspect the physical facilities to determine  
89 that they provide a reasonable standard of health and safety for  
90 the child. No child shall be placed in the custody of the state  
91 training school for a status offense or for contempt of or  
92 revocation of a status offense adjudication unless the child is  
93 contemporaneously adjudicated for having committed an act of  
94 delinquency that is not a status offense. A disposition order  
95 rendered under this subparagraph shall meet the following  
96 requirements:



97                   1. The disposition is the least restrictive  
98 alternative appropriate to the best interest of the child and the  
99 community;

100                   2. The disposition allows the child to be in  
101 reasonable proximity to the family home community of each child  
102 given the dispositional alternatives available and the best  
103 interest of the child and the state; and

104                   3. The disposition order provides that the  
105 court has considered the medical, educational, vocational, social  
106 and psychological guidance, training, social education,  
107 counseling, substance abuse treatment and other rehabilitative  
108 services required by that child as determined by the court;

109                   (h) Recommend to the child and the child's parents or  
110 guardian that the child attend and participate in the Youth  
111 Challenge Program under the Mississippi National Guard, as created  
112 in Section 43-27-203, subject to the selection of the child for  
113 the program by the National Guard; however, the child must  
114 volunteer to participate in the program. The youth court shall  
115 not order any child to apply for or attend the program;

116                   (i) Adjudicate the juvenile to the Statewide Juvenile  
117 Work Program if the program is established in the court's  
118 jurisdiction. The juvenile and his or her parents or guardians  
119 must sign a waiver of liability in order to participate in the  
120 work program. The judge will coordinate with the youth services



121 counselors as to placing participants in the work program as  
122 follows:

123           (i) The severity of the crime, whether or not the  
124 juvenile is a repeat offender or is a felony offender will be  
125 taken into consideration by the judge when adjudicating a juvenile  
126 to the work program. The juveniles adjudicated to the work  
127 program will be supervised by police officers or reserve officers.  
128 The term of service will be from twenty-four (24) to one hundred  
129 twenty (120) hours of community service. A juvenile will work the  
130 hours to which he or she was adjudicated on the weekends during  
131 school and weekdays during the summer. Parents are responsible  
132 for a juvenile reporting for work. Noncompliance with an order to  
133 perform community service will result in a heavier adjudication.  
134 A juvenile may be adjudicated to the community service program  
135 only two (2) times;

136           (ii) The judge shall assess an additional fine on  
137 the juvenile which will be used to pay the costs of implementation  
138 of the program and to pay for supervision by police officers and  
139 reserve officers. The amount of the fine will be based on the  
140 number of hours to which the juvenile has been adjudicated;

141           (j) Order the child to participate in a youth court  
142 work program as provided in Section 43-21-627;

143           (k) Order terms of house arrest under the intensive  
144 supervision program as created in Sections 47-5-1001 through  
145 47-5-1015. The Department of Human Services shall take bids for



146 the placement of juveniles in the intensive supervision program.  
147 The Department of Human Services shall promulgate rules regarding  
148 the supervision of juveniles placed in the intensive supervision  
149 program. For each county there shall be seventy-five (75) slots  
150 created in the intensive supervision program for juveniles. Any  
151 youth ordered into the intensive home-based supervision program  
152 shall receive comprehensive strength-based needs assessments and  
153 individualized treatment plans. Based on the assessment, an  
154 individualized treatment plan shall be developed that defines the  
155 supervision and programming that is needed by a youth. The  
156 treatment plan shall be developed by a multidisciplinary team that  
157 includes the family of the youth whenever possible. The juvenile  
158 shall pay Ten Dollars (\$10.00) to offset the cost of administering  
159 the alcohol and drug test. The juvenile must attend school,  
160 alternative school or be in the process of working toward a High  
161 School Equivalency Diploma certificate;

162 (1) (i) Order the child into a juvenile detention  
163 center operated by the county or into a juvenile detention center  
164 operated by any county with which the county in which the court is  
165 located has entered into a contract for the purpose of housing  
166 delinquents. The time period for detention cannot exceed ninety  
167 (90) days, and any detention exceeding forty-five (45) days shall  
168 be administratively reviewed by the youth court no later than  
169 forty-five (45) days after the entry of the order. At that time  
170 the youth court counselor shall review the status of the youth in



171 detention and shall report any concerns to the court. The youth  
172 court judge may order that the number of days specified in the  
173 detention order be served either throughout the week or on  
174 weekends only. No first-time nonviolent youth offender shall be  
175 committed to a detention center for a period in excess of ninety  
176 (90) days until all other options provided for in this section  
177 have been considered and the court makes a specific finding of  
178 fact by a preponderance of the evidence by assessing what is in  
179 the best rehabilitative interest of the child and the public  
180 safety of communities and that there is no reasonable alternative  
181 to a nonsecure setting and therefore commitment to a detention  
182 center is appropriate.

183 (ii) If a child is committed to a detention center  
184 for ninety (90) days, the disposition order shall meet the  
185 following requirements:

186 1. The disposition order is the least  
187 restrictive alternative appropriate to the best interest of the  
188 child and the community;

189 2. The disposition order allows the child to  
190 be in reasonable proximity to the family home community of each  
191 child given the dispositional alternatives available and the best  
192 interest of the child and the state; and

193 3. The disposition order provides that the  
194 court has considered the medical, educational, vocational, social  
195 and psychological guidance, training, social education,





196 counseling, substance abuse treatment and other rehabilitative  
197 services required by that child as determined by the court;

198 (m) The judge may consider house arrest in an intensive  
199 supervision program as a reasonable prospect of rehabilitation  
200 within the juvenile justice system. The Department of Human  
201 Services shall promulgate rules regarding the supervision of  
202 juveniles placed in the intensive supervision program;

203 (n) Referral to A-team provided system of care  
204 services; or

205 (o) Place the child on electronic monitoring subject to  
206 any conditions and limitations as the youth court may prescribe.

207 (2) If a disposition order requires that a child miss school  
208 due to other placement, the youth court shall notify a child's  
209 school while maintaining the confidentiality of the youth court  
210 process. If a disposition order requires placement of a child in  
211 a juvenile detention facility, the facility shall comply with the  
212 educational services and notification requirements of Section  
213 43-21-321.

214 (3) In addition to any of the disposition alternatives  
215 authorized under subsection (1) of this section, the disposition  
216 order in any case in which the child is adjudicated delinquent for  
217 an offense under Section 63-11-30 shall include an order denying  
218 the driver's license and driving privileges of the child as  
219 required under Section 63-11-30(9).



220 (4) If the youth court places a child in \* \* \* the  
221 state-supported training school, the court may order the parents  
222 or guardians of the child and other persons living in the child's  
223 household to receive counseling and parenting classes for  
224 rehabilitative purposes while the child is in the legal custody of  
225 the training school. A youth court entering an order under this  
226 subsection (4) shall utilize appropriate services offered either  
227 at no cost or for a fee calculated on a sliding scale according to  
228 income unless the person ordered to participate elects to receive  
229 other counseling and classes acceptable to the court at the  
230 person's sole expense.

231 (5) Fines levied under this chapter shall be paid into the  
232 general fund of the county but, in those counties wherein the  
233 youth court is a branch of the municipal government, it shall be  
234 paid into the municipal treasury.

235 (6) Any institution or agency to which a child has been  
236 committed shall give to the youth court any information concerning  
237 the child as the youth court may at any time require.

238 (7) The youth court shall not place a child in another  
239 school district who has been expelled from a school district for  
240 the commission of a violent act. For the purpose of this  
241 subsection, "violent act" means any action which results in death  
242 or physical harm to another or an attempt to cause death or  
243 physical harm to another.



244 (8) The youth court may require drug testing as part of a  
245 disposition order. If a child tests positive, the court may  
246 require treatment, counseling and random testing, as it deems  
247 appropriate. The costs of such tests shall be paid by the parent,  
248 guardian or custodian of the child unless the court specifically  
249 finds that the parent, guardian or custodian is unable to pay.

250 (9) The Mississippi Department of Human Services, Division  
251 of Youth Services, shall operate and maintain services for youth  
252 adjudicated delinquent at the Oakley Youth Development Center.  
253 The program shall be designed for children committed to the  
254 training schools by the youth courts. The purpose of the program  
255 is to promote good citizenship, self-reliance, leadership and  
256 respect for constituted authority, teamwork, cognitive abilities  
257 and appreciation of our national heritage. The program must use  
258 evidenced-based practices and gender-specific programming and must  
259 develop an individualized and specific treatment plan for each  
260 youth. The Division of Youth Services shall issue credit towards  
261 academic promotions and high school completion. The Division of  
262 Youth Services may award credits to each student who meets the  
263 requirements for a general education development certification.  
264 The Division of Youth Services must also provide to each special  
265 education eligible youth the services required by that youth's  
266 individualized education plan.

267 **SECTION 2.** This act shall take effect and be in force from  
268 and after July 1, 2018.

